UNITED STATES PATENT AND TRADEMARK OFFICE

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10/780,109	02/17/2004	Jeffry Jovan Philyaw	RPXC - 26,630	6493

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ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
08/04/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@dalpat.com

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 July 2010</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.
     4a) Of the above claim(s) <u>21-25</u> is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-20</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some *   c) ☐ None of:
         1. ☐ Certified copies of the priority documents have been received.
         2. ☐ Certified copies of the priority documents have been received in Application No. _____.
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed on 07/09/2010.

2.   Claims 1-25 are pending.

3.   Claims 21-25 are withdrawn.

4.   Claims 1-20 have been examined.

Response to Arguments

5.   Applicant's arguments have been fully considered but are moot in view of new ground of rejection.

Terminal Disclaimer

6.   The terminal disclaimers filed on 07/09/2010 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of **U.S. Patent No. 6,868,433** and **U.S. Patent No. 6,754,698** have been reviewed and are NOT accepted. The terminal disclaimers do not comply with 37 CFR 1.321(b) and/or (c) because: The person who signed the terminal disclaimer is not recognized as an officer of the assignee, and he/she has not been established as being authorized to act on behalf of the assignee. See MPEP § 324.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-9, 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin (US 2002/0059241), in view of Durst (US 2001/0011276), further in view of Rando (US 5,128,520, hereafter Rando)

9.   For claim 1, Van Ryzin discloses a method for a user accessing information on a network, comprising the steps of:

providing a device (fig. 1, optical scanner), operating in a scanning mode:

forming a representation of machine recognizable code (MRC) information contained within an MRC using the device, the representation of the MRC having no network address routing information contained therein (fig. 1, 2, an optical scanner scanning and decoding bar code for product code number (PCN) that has no network address routing information);

transmitting the representation of the MRC information contained within the MRC to a network interface device in response to the step of forming (fig. 1, 2, sending the PCN to the modem);

transmitting the representation of the MRC information from the network interface device to an intermediate location on the network (fig. 1, item 40, fig. 2, step 110, transmitting the PCN to a server database 30);

receiving network address routing information associated with the representation

of the MRC information from the intermediate location, the network address routing

information including a network address associated with a remote location on the

network (fig. 1, item 50, fig. 2, step 120, receiving internet address from the server

database);

connecting the user location over the network to the remote location associated

with the representation of the MRC information using the network address routing

information retrieved from the intermediate location and downloading information

therefrom (fig. 2, step 130, link browser at the user location (browser on PC 10a in fig.

1) to received internet address to download the webpage, [0024], downloading

information); and

displaying the downloaded information on a display at the user location ([0024],

internet webpage site is displayed to the user, fig. 1, PC with webpage at the user

location), such that when displayed, substantially immediate feedback of displayed

information is provided to the user in response to the step of forming ([0023]).

Van Ryzin does not disclose the device is a remote control device operating in a

first and control mode with internally generated control commands and in a second and

scanning mode; in the control mode, controlling an appliance at a user location by

wirelessly transmitting the control commands to the appliance; and the forming,

transmitting, receiving, connecting, displaying... are in response to the user pressing a

first button of the remote control device; and the first transmitting is wireless; scanning a

machine recognizable code (MRC) to obtain MRC information using the remote control

device in response to the user pressing a first button of the remote control device;

storing the MRC information within a memory of the remote control device; in response

to the user pressing a second button of the remote control device.

In the same field of endeavor, Durst discloses the device is a remote control

device operating in a first and control mode with internally generated control commands

and in a second and scanning mode; in the control mode, controlling an appliance at a

user location by wirelessly transmitting the control commands to the appliance ([0011],

TV remote control and optical scanner for wirelessly controlling a TV and scanning bar

code), and the forming is in response to the user pressing a first button of the remote

control device ([0043], scan button); and wirelessly transmitting MRC information to a

network interface device ([0044], infrared transmission of bar code information to a web-

ready TV)

scanning a machine recognizable code (MRC) to obtain MRC information using

the remote control device in response to the user pressing a first button of the remote

control device (fig. 1C, [0043], scan button to capture or store bar codes); storing the

MRC information within a memory of the remote control device ([0044], storing and

buffering of bar codes); in response to the user pressing a second button of the remote

control device (fig. 1C, [0043], transmit button to transmit scanned bar codes to a web-

ready device).

It would have been obvious for one skilled in the art at the time of the invention to

apply Durst's teachings of a remote control having dual modes (remote control and

scanner) to the invention of Van Ryzin. The motivation would be to incorporate the

automatic linking of online resources to printed media in the context of the normal

viewing habits of broadcast television viewers (Durst, [0005], [0009], both watch TV and

surf the Web) and also take advantage of farther and flexible range of wireless

transmission of MRC information to the network interface device (Durst, fig. 1C, wireless

ranged transmission).

Van Ryzin-Durst does not disclose providing an indication to the user by the

remote control device in response to a successful scan of the MRC.

However, Rando discloses the same (fig. 14, col. 14 l. 32-38, bar code scanner

beeps to indicate scanning is complete)

It would have been obvious for one skilled in the art at the time of the invention to

apply Durst and Durst's teachings of a remote control having dual modes to the

invention of Van Ryzin (hereafter Van Ryzin-Durst-Rando). The motivation would be to

provide visual or sound feedback to the bar code scanner user that scanning is

complete (Rando, fig. 14, col. 14 l. 32-38).

10.   For claim 2, Van Ryzin-Durst-Rando further discloses the network is a global

communication network (Van Ryzin, fig. 1, internet).

11.   For claim 3, Van Ryzin-Durst-Rando further discloses the step of forming

comprises scanning the MRC with a scanner (Van Ryzin, fig. 1, optical scanner), which

scanner is incorporated into the remote control device (Durst, [0011]).

12.   For claim 4, Van Ryzin-Durst-Rando further discloses the MRC in the step of forming is a UPC associated with an article of commerce (Van Ryzin, [0020], UPC of a product).

13.   For claim 5, Van Ryzin-Durst-Rando further discloses the MRC in the step of forming is associated with a product and the remote location on the network is associated with the product (Van Ryzin, fig. 2, internet address of product related resources).

14.   For claim 6, Van Ryzin-Durst-Rando further discloses the display in the step of displaying is disposed in close association with the network interface device (Van Ryzin, fig. 1, browser for displaying is close to modem).

15.   For claim 7, Van Ryzin-Durst-Rando further discloses the network interface device in the step of wirelessly transmitting and the display in the step of displaying comprise a personal computer (Van Ryzin, fig. 2, PC, Durst, fig. 8, computer means).

16.   For claim 8, Van Ryzin-Durst-Rando further discloses the step of connecting to the remote location and downloading the information therefrom comprises: transmitting the representation of the MRC information to an intermediate location on the network having a relational database associated therewith (Van Ryzin, fig. 2, send product code number to server database), which relational database has contained therein

relationships between a plurality of representations of MRCs and network address

routing information on the network; comparing the received representation of the MRC

information with information in the relational database to determine if a match exists

(Van Ryzin, [0033], requests internet page for the product bar code number at the

server database); and if a match exists, accessing the remote location and downloading

the information therefrom to the display (Van Ryzin, [0033], invoking client to link to the

internet page and download the page).

17.   For claim 9, Van Ryzin-Durst-Rando further discloses the display and the

network interface device are disposed at the user location remote from the remote

location on the network (Van Ryzin, fig. 1, modem remote from server database) and

the step of accessing information from the remote location comprises transferring the

network address routing information from the relational database back to the user

location (Van Ryzin, fig. 1, item 50, fig. 2, S120), the user location and the network

interface device then accessing the remote location and the information therefrom for

download therefrom (Van Ryzin, fig. 2, [0024], [0033], remotely retrieving routing IP

address for a product resource then use the routing IP address to link browser to the

product resource).

18.   For claim 11, Van Ryzin discloses a system for accessing information on a

network, comprising:

        a device operating in a scan mode (fig.1, optical scanner):

a machine recognizable code (MRC) at said user location has a representation of

the MRC information formed by a scanning operation thereof, which said representation

of the MRC has no network address routing information contained therein (fig. 1, 2, an

optical scanner scanning and decoding bar code for product code number (PCN) that

has no network address routing information);

a network interface device operable to be placed in communication with said

device and to which said representation of the MRC information is transmitted from said

device in response to being formed (fig. 1, 2, sending the PCN from the scanner to the

modem);

wherein said network interface device at said user location transmits the

representation of the MRC information to an intermediate location on the network (fig. 1,

item 40, fig. 2, step 110, transmitting the PCN to a server database 30), receives routing

information associated with the representation of the MRC information from the

intermediate location, the routing information including a network address associated

with a remote location on the network (fig. 1, item 50, fig. 2, step 120, receiving internet

address from the server database); connects to said remote location associated with

said representation of the MRC information using the routing information retrieved from

the intermediate location and downloads information therefrom (fig. 2, step 130, link

browser at the user location (browser on PC 10a in fig. 1) to received internet address

to download the webpage, [0024], downloading information); and

wherein said downloaded information is displayed on a display at said user

location ([0024], internet webpage site is displayed to the user, fig. 1, PC with webpage

at the user location), such that when displayed, substantially immediate feedback of displayed information is provided to the user in response to said MRC being scanned ([0023]).

Van Ryzin does not disclose:

a memory for storing the MRC information; the device is a remote control device operating in a first and control mode with internally generated control commands, and in a second and scan mode; wherein in said control mode, an appliance at a user location is controlled by wirelessly transmitting said control commands to said appliance; and the forming is in response to the user pressing a first button of the remote control device; and said representation of the MRC information is wirelessly transmitted; and the wirelessly transmitting is in response to the user pressing a second button of the remote control device.

In the same field of endeavor, Durst discloses a memory for storing the MRC information ([0044], memory and buffers); the device is a remote control device operating in a first and control mode with internally generated control commands, and in a second and scan mode; wherein in said control mode, an appliance at a user location is controlled by wirelessly transmitting said control commands to said appliance ([0011], TV remote control and optical scanner for wirelessly controlling a TV and scanning bar code), and the forming is in response to the user pressing a first button of the remote control device ([0043], scan button); and wirelessly transmitting MRC information to a network interface device ([0044], infrared transmission of bar code information to a web-

ready TV); and the wirelessly transmitting is in response to the user pressing a second

button of the device ([0044], transmit button).

It would have been obvious for one skilled in the art at the time of the invention to

apply Durst's teachings of a remote control having dual modes (remote control and

scanner) to the invention of Van Ryzin. The motivation would be to incorporate the

automatic linking of online resources to printed media in the context of the normal

viewing habits of broadcast television viewers (Durst, [0005], [0009], both watch TV and

surf the Web) and also take advantage of farther and flexible range of wireless

transmission of MRC information to the network interface device (Durst, fig. 1C, wireless

ranged transmission).

Van Ryzin-Durst does not disclose an indicator for providing an indication to the

user by the remote control device in response to a successful scan of the MRC;

However, Rando discloses the same (fig. 14, col. 14 l. 32-38, bar code scanner

beeps to indicate scanning is complete)

It would have been obvious for one skilled in the art at the time of the invention to

apply Durst and Durst's teachings of a remote control having dual modes to the

invention of Van Ryzin (hereafter Van Ryzin-Durst-Rando). The motivation would be to

provide visual or sound feedback to the bar code scanner user that scanning is

complete (Rando, fig. 14, col. 14 l. 32-38).

19.   For claims 12-19, the claims are rejected for same rationale as in claims 2-9

respectively.

20.   Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin and Durst and Rando, further in view of Schumacher et al. (US 6,038,664, hereafter Schumacher)

21.   For claim 10, as applied to claim 1, Van Ryzin further teaches at the network interface device, receiving the transmitted MRC information and, upon receiving any of the transmitted stored information, utilizing that received stored information to connect to the remote location on the network (Van Ryzin, fig. 1, 2, [0010], modem accesses the server database and the internet page based on the scanned codes)

Van Ryzin does not disclose the step of forming comprises extracting MRC information with a portable extracting device and the step of wirelessly transmitting comprises the steps of: storing the extracted MRC information in a memory; transmitting the stored extracted MRC information to the network interface device in a predetermined number of steps; transfers of extracted MRC information from the portable extraction device.

Durst discloses the step of forming comprises extracting MRC information with a portable extracting device (Durst, fig. 1A, 1B, portable remote control device) and the step of wirelessly transmitting comprises the steps of: storing the extracted MRC information in a memory (Durst, [0040], fig. 3, DRAM memory for buffering scanned bar codes); transmitting the stored extracted MRC information to the network interface device in a predetermined number of steps (Durst, [0040], [0028], one step of

transferring by the transmit button); transfers of extracted MRC information from the

portable extraction device (Durst, [0044])

It would have been obvious to one skilled in the art at the time of the invention to

apply buffering of multiple bar codes by Durst to Van Ryzin. The motivation would be to

provide means for storing multiple bar codes at the same time (Durst, [0044]) to provide

ease of scanning and storing.

Van Ryzin-Durst-Rando does not disclose ignoring subsequent transfers.

Schumacher disclose processing the first message and discarding subsequent

messages (col. 9 l. 65-67)

It would have been obvious to one skilled in the art at the time of the invention to

discard subsequent transfers of extracted information from the portable extraction

device in Van Ryzin-Durst-Rando as taught by Schumacher. The motivation would be to

provide download information to the first bar code scanned to not overburden the server

database, and to provide the most appropriate information to the first bar code.

22.   Claim 20 is rejected for same rationale as in claim 10.

Conclusion

23.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

24.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

25.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-

1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m.,

EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. H./

Examiner, Art Unit 2452

/THU NGUYEN/
Supervisory Patent Examiner, Art Unit 2452